

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 13-CR-2

CHARA HORTMAN,

Defendant.

DECISION AND ORDER

Chara Hortman pled guilty to conspiracy to distribute five kilograms or more of cocaine and heroin and conspiracy to commit money laundering. The Court sentenced Hortman at the bottom of the guideline range (168 months). Amendment 782 to the United States Sentencing Guidelines reduced Hortman's guideline range to 135-168 months. Hortman moves for a reduction in sentence to the bottom of the new guideline range.

“[I]n the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission ..., the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, ...” 18 U.S.C. § 3582(c)(2). The government invokes the 3553(a) factors discussed at sentencing, such as

the nature and circumstances of the offense and the history and characteristics of the defendant. The Court already discussed and considered those factors at sentencing and specifically concluded that this case calls for a guideline sentence. ECF No. 353, Sentencing Minutes at 4. Since the guideline range has been lowered, the sentence should be lowered along with it.

The government also suggests that the Court should hold a hearing to present new evidence that wasn't in the record at sentencing. The Court declines this request. "Section 3582(c)(2)'s text, together with its narrow scope, shows that Congress intended to authorize only a limited adjustment to an otherwise final sentence and not a plenary re-sentencing proceeding." *Dillon v. United States*, 560 U.S. 817, 826 (2010).

Hortman's motion to reduce her sentence to 135 months [ECF No. 573] is **GRANTED**.

Dated at Milwaukee, Wisconsin, this 21st day of April, 2016.

SO ORDERED:


HON. RUDOLPH T. RANDA
U.S. District Judge